common law state. *Brown* v. *Wright,* 58 Ark. 20, held the same as to Texas; *Flata* v. *Mulhall,* 72 Mo. 522, held the same as to Texas as was held in *Brown* v. *Wright.* But *Simms* v. *Express Co.,* 38 Ga. 129, holds opposite to *Peet & Co.* v. *Hatcher* as to the law of Louisiana. The general rule in all the states is that the law of the forum will be applied whether statutory or common law, if the cause of action arose in a foreign state which has not the common law and the foreign law has not been averred or proved. The minority opinion states that this general rule in Alabama, at least, is limited to contract actions and cites the case of *Kennebrew* v. *Southern Automatic Electric-Shock Machine Co.,* 106 Ala. 377, but there seems to be no such limitation in the case cited. However, the opinion does contain the following statement: "It is almost universally held that where there is no proof of the law of another state, nor judicial knowledge of the origin of such state which would raise up a presumption that the common law prevails there, it will be presumed that the law of the forum in which the issue is being tried is the law of that state on the question under consideration." Although this statement is incorrect as to the presumption probably, yet it is sufficiently broad to include all civil actions. The dissenting justices further say that they have been unable to find where the general rule has been applied in case of torts. We cite as a clear application on this doctrine to torts, *Stevenson* v. *Pullman Palace Car Co.* (Tex.), 26 S. W. 112.

FEE SIMPLE ESTATE—RESTRAINTS ON ALIENATION.—Certain lands were conveyed in fee to plaintiff, a charitable corporation, with a perpetual restriction against alienation. Defendant agreed to buy part of this property, but, on discovering the attached condition, refused to perform. This action was to enforce the agreement. *Held:* that the restriction against alienation is void as contravening public policy. *Female Orphan Society* v. *Young Men's Christian Ass'n* (1907), — La. —, 44 So. Rep. 15.

It requires no authorities to support the universally recognized rule of the common law, prohibiting restrictions against alienation by the grantee of a fee-simple estate. But this rule has two generally accepted exceptions: (1) when such condition is imposed by a sovereign power, *Smythe* v. *Henry,* 41 Fed. 705; or, (2) when it is in a conveyance to charity, 6 AM. & ENG. ENC. L. 509; 6 CYC. 926. The Louisiana Code does not directly cover the point in issue in the principal case, and although the court discusses various provisions of the Code, the decision is based mainly on the grounds of public policy. The decisions forming an exception to the general rule given above are founded upon the theory that public welfare is benefited by a relaxation of the rule in favor of conveyances to charities. See *Mills* v. *Davison et al.,* 54 N. J. Eq. 659. In further support of the exception in cases of conveyances to charities, see, *Perrin et al.* v. *Carey et al.,* 24 How. 465; *Jones* v. *Habersham,* 3 Woods 443; *City of Philadelphia* v. *Girard's Heirs,* 45 Pa. St. 9; *State of Louisiana, etc.,* v. *Executors of McDonogh,* 8 La. Ann. 171. The facts in the principal case would seemingly form a firm basis for the operation of the second exception.